

SPECIAL MEETING
Mayor and Council
Borough of Harrington Park, New Jersey
May 23, 2022

(PAH) Call Meeting to Order

Time: 7:00 p.m.

Mayor's Announcement:

In compliance with Chapter 231, Public Law 1975, adequate notice of this Special meeting was made. It is has posted on the bulletin board in the Municipal Center. Copies have been emailed to the BERGEN RECORD and SUBURBANITE and posted on the Borough website. A copy has been filed with the Borough Clerk, and copies have been provided to individuals requesting the same.

(ALB) Roll Call:

	PRESENT	ABSENT
NAPOLITANO(AN)	X	
EVANELLA (GE)	X	
BLACKINTON(WB)	X	
WALKER (DW)	X	
PEDERSEN (JP)	X	
CHUNG (JC)	X	

Also present:

Ms. Ann H. Bistriz, Borough Clerk (ALB)

Mr. Kunjesh Trivedi CFO, CTC (KJT)

Mr. Gary Higgins, Auditor (GH)

(PAH) Suspension of the Regular Order of Business

Motion GE

Second JP

Vote AIF

(PAH) Adoption of Municipal Budget Process

GH discussed budget highlights.

1.3 cents/\$100 of the average home value of 541K. (\$71)

GH stated budget is under appropriated cap by \$6200. Advised that tax levy cap could have gone up higher.

GH confirmed that budget is ready to adopt.

No questions from council.

PAH thanked KJT, Finance Committee and GH for their work. PAH praised their great relationship.

GH stated that he worked with Mayor Hoelscher while at Lerch, Vinci & Higgins for 33 years and 10 years prior to that. They now both have children in the business. He stated it is time for him to move on and the decision was mutual. He will be joining the very

prominent PKF O'Connor Davies and looked forward to continuing business with the borough under the new firm at its Woodcliff Lake location.

- (JP) **Second Reading by Title Ordinance #761-Addendum A**
CALENDAR YEAR 2022
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
Motion JP
Second JC
- (PAH) **Meeting Open to the Public for Ordinance #761 Only**
Motion GE
Second JP
Vote AIF

No public present for discussion.

- (PAH) **Meeting Closed to the Public**
Motion JP
Second JC
Vote AIF

Council Discussion for Ordinance #761
No discussion.
Roll Call Vote AIF

- (JP) **Resolution 2022-85 Addendum B**
Authorizing Increase in Deferred School Taxes for Local District School Taxes
Motion JP
Second DW
Discussion
GH informed that the manual requirement of DLGS for this year. He informed Council that the Borough could take difference and put into Borough's surplus.
Roll Call Vote AIF

- (JP) **Resolution 2022-86 Addendum C**
Waiver of Reading in Full of the 2022 Budget
Motion JP
Second DW
Discussion None
Roll Call Vote AIF

- (JP) **Resolution 2022-87 Addendum D**
Computation of Reserve for Uncollected Taxes – 2022 Budget
Motion JP
Second DW
Discussion
GH suggested this is a tool to help calculate tax rates which would enable the borough to budget appropriately.

Roll Call Vote AIF

(JP) Resolution 2022-88 Addendum E

Adoption of Budget

(Separate sheet)

Motion JP

Second JC

GP said that every three years the state reviews the municipal budget to assure all criteria is met. GH informed that on May 12, 2022, some support documents was examined for budget items. GH stated that KJ supplied one for uncollected taxes.

(PAH) Meeting Open to the Public for Budget 2022 Discussion Only

Motion GE

Second JP

Vote AIF

No public for discussion.

(PAH) Meeting Closed to the Public

Motion GE

Second JP

Vote AIF

Council Discussion and Comment for Budget 2022

GE asked question in regards to a home owner getting reassessed and if KJ has to cut a refund, is there recourse to go back to the school. GH answered that borough holds a “pot” to refund the money. Likened borough to a collection agency with 20 cents for every dollar. School is entitled to all money on July 1 no matter what surplus is for all entities. GH stated that the county may give some of their share back.

Roll Call Vote AIF

RETURN TO REGULAR ORDER OF BUSINESS

(PAH) Consent Agenda-Resolutions-

All matters listed under this section are considered to be routine by the Borough Council and will be enacted by one motion as listed below. There will not be separate discussion of these items. Should discussion be desired, that item will be removed from the Consent Agenda and will be considered separately under New or Old Business on the Agenda.

Consent Approval: F-M

(F) Resolution 2022-89 Agreement for Professional Services Neglia Engineering Tennis Courts Repair/Reconstruction Phase 1

(G) Resolution 2022-90 Advertise for Bid George Street Park Tennis Courts

(H) Resolution 2022-91 Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Parkway Roadway Improvements (Giles Road to Parkside Road) project.

(I) Resolution 2022-92 Award Bid for the 2022 Road Resurfacing Program on Behalf of the Riverside Cooperative and the Borough of Harrington Park

(J) Resolution 2022-93 Municipal Vehicle for Fire Marshal

(K) Resolution 2022-94 Appointing Auditor/RMA and Non-Audit Advisory Services

(L) Resolution 2022-95 Payment of Claims

(M) Resolution 2022-96 National Night Out

Motion JP

Second DW

Discussion None

Roll Call Vote AIF

(PAH) New Business

(JC) Travel Baseball Team

JC informed that James Iafrate wants to incorporate travel baseball with borough in conjunction with Closter league. Team would consist of 12-14 children under 14 years of age. JC stated that it is a great opportunity for students. Strategy is to start one travel team on a trial basis and expand if successful. All sports teams are self-funding. JC stated that fee will change if trial is successful and expansion occurs. JC asked what is necessary to move this forward. ALB suggested a resolution if council is in favor. ALB will call Brian Eifert.

Motion was made by JC to approve the creation of a Summer Travel Baseball Team that will be overseen by James Iafrate that will be under the Closter League. Team will be self-self-funded and commence for the 2022 sports season.

Second by JP

No further discussion

Roll Call Vote AIF

Motion JC

Second JP

Discussion None

Roll Call Vote AIF

(PAH) Old Business

(WB) Introduction Proposed Ordinance #762 by Title Only-Addendum N

**Amendment to 230-6 Operation of Motor Vehicles on Borough Land, Harrington Park
Board of Education Land and Suez/Veolia property(and successors)**

Motion WB

Second JC

Discussion ALB noted that this ordinance is an addition to the first amendment #760

Roll Call Vote AIF

(JP) Bond Ordinance #763 Introduction by Title Only Addendum O

**BOND ORDINANCE PROVIDING FOR VARIOUS 2022
CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF
HARRINGTON PARK, IN THE COUNTY OF BERGEN, STATE
OF NEW JERSEY; APPROPRIATING \$1,320,867 THEREFOR
(INCLUDING GRANTS TOTALING \$335,000) AND
AUTHORIZING THE ISSUANCE OF \$938,900 BONDS OR
NOTES OF THE BOROUGH TO FINANCE PART OF THE
COST THEREOF**

Motion JP
Second DW
Discussion None
Roll Call Vote AIF

(PAH) Open the Meeting to the Public

Motion JP
Second DW
Vote AIF

No public in attendance.

(PAH) Close the Meeting to the Public

Motion JP
Second AN
Vote AIF

(PAH) Motion for Closed Session Time: 7:28 P.M.

Second GE
Vote AIF

RESOLUTION

WHEREAS, N.J.S.A. 10:4-12 permits a public body to conduct business in Closed Session during a public meeting; and

WHEREAS, the Mayor and Council deem it necessary to discuss certain matters in Closed Session as permitted by the aforesaid statute.

(JP) Capital Project with Potential Litigation

BE IT FURTHER RESOLVED that discussion of the aforementioned subjects may be made public at such time as disclosure of the discussion will not detrimentally affect the interest and Borough as to said discussion.

Return to Open Session: 8:23

Adjournment-Time: 8:30

Motion: WB

Second: JP

Vote: AIF

Addendum A
Ordinance # 761

CALENDAR YEAR 2022

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK**

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized

by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Harrington Park in the County of Bergen finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 1% increase in the budget for said year, amounting to \$58,265 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Harrington Park, in the County of Bergen a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Harrington Park shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$203,927, and that the CY 2022 municipal budget for the Borough of Harrington Park be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**Addendum B
Resolution
2022-85**

Authorizing Increase in Deferred School Taxes for Local District School Taxes

WHEREAS, the Division of Local Government Services requires that the Governing Body of any municipality which has Deferred School Taxes must authorize any increase in the deferral amount, and

WHEREAS, the Borough desires to increase the Deferred School Taxes to an amount permitted under State statutes and to be effective at December 31, 2021.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council that the following Deferred School Taxes be hereby increased for the year ended December 31, 2021 as follows:

	Deferred Local District School <u>Taxes</u>
Amount Deferred 12/31/21	\$6,493,649
Amount Deferred 12/31/20	<u>6,369,932</u>
Amount of Increase	<u>\$ 123,717</u>

BE IT FURTHER RESOLVED, by the Borough Council that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

**Addendum C
Resolution
2022-86**

Waiver of Reading in Full of the 2022 Budget

WHEREAS, N.J.S. 40A:4-8 permits that the Budget as advertised may be read by its title providing that at least one week prior to the date of the hearing a complete copy of the approved budget shall

- a) be posted in a public place where public notices are customarily posted, and
- b) is made available to each person requesting the same during said week and during the public hearing, and

WHEREAS, the Borough of Harrington Park has complied with the aforesaid requirements.

NOW, THEREFORE, BE IT RESOLVED, the Borough is hereby permitted to waive the reading in full, of the Municipal Budget for the year ending December 31, 2022.

**Addendum D
Resolution
2022-87**

Computation of Reserve for Uncollected Taxes – 2022 Budget

WHEREAS, pursuant to N.J.S.A. 40A:4-41, a municipality must include an appropriation for “Reserve for Uncollected Taxes” in its annual budget where less than 100% of current tax collections may be and are anticipated; and

WHEREAS, receipts from the collection of taxes levied or to be levied in the municipality and payable in the fiscal year shall be anticipated in an amount which is not in excess of the percentage of taxes levied and payable during the next preceding fiscal year which was received in cash by the last day of the preceding fiscal year; and

WHEREAS, if tax appeal judgments of the county tax board pursuant to R.S. 54:3-21 et seq. and/or the State tax court pursuant to R.S. 54:48-1 et seq. result in tax reductions for the previous fiscal year, the governing body of the municipality may elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustments resulting from those judgments; and

WHEREAS, Sheet 22 of the Township’s Annual Financial Statement for the year 2021 reflects reductions due to tax appeals of \$62,357 which when reduced from the 2021 tax levy results in the 2021 tax collection rate being 99.36 percent; and

WHEREAS, the election of this choice to calculate the “Reserve for Uncollected Taxes” for the 2022 municipal budget shall be made by resolution approved by a majority of the full membership of the governing body pursuant to N.J.S.A. 40A:4-5.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Harrington Park elects to calculate the “Reserve for Uncollected Taxes” appropriation for the 2022 municipal budget by reducing the certified tax levy of the prior year by the amount of tax levy adjustments of the county tax board pursuant to R.S. 54:3-21 et seq., and State tax court pursuant to R.S. 54:48-1 et seq., in order to calculate the prior year tax collection rate.

Addendum E

Resolution

2022-88

Adoption of Budget

(see attached sheet section 2)

Be It Resolved by the Governing Body of the Borough of Harrington Park, County of Bergen that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 5,696,849.00 (Item 2 below) for municipal purposes, and
- (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
- (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ 94,085.00 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) 363,820.00 (Item 5 below) Minimum Library Tax

Addendum F

Resolution

2022-89

AGREEMENT FOR PROFESSIONAL SERVICES NEGLIA ENGINEERING

Tennis Courts Repair/Reconstruction Phase 1

WHEREAS, Borough of Harrington Park has chosen to enter into a grant agreement in the amount of \$145,259 (Dollar for Dollar Matching Grant) with the Bergen County Open Space Trust Fund to provide to repair/reconstruct the George Street Tennis Courts within the Borough; and

WHEREAS, Neglia Engineering Associates has provided the Borough with an Agreement for Professional Services for this project; and

WHEREAS, the Agreement for Professional Services includes a lump sum cost of \$34,680.00 representing Engineering and Surveying Costs (schedule in contract), and on a material basis in accordance with attached fee schedule for a cost not to exceed One Thousand Five Hundred Dollars (\$1500.00) representing Reimbursable Expenses.

WHEREAS, the CFO has certified that these funds have been appropriately budgeted for; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute the agreement of services for the Bergen County Open Space Trust Fund project for Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, New Jersey.

**Addendum G
Resolution
2022-90**

ADVERTISE FOR BIDS

BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park, Bergen County, New Jersey upon the recommendation of the Borough Engineer, Michael J. Neglia, that the plans & specifications for:

**BERGEN COUNTY OPEN SPACE FUNDED PROJECT
George Street Tennis Courts-Repair/Reconstruction
BOROUGH OF HARRINGTON PARK
BERGEN COUNTY, NEW JERSEY**

Are hereby approved and the Borough Clerk is hereby authorized to advertise for bids. This Resolution to take effect immediately.

**Addendum H
Resolution
2022-91**

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Parkway Roadway Improvements (Giles Road to Parkside Road) project.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Harrington Park formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application for the paving of The Parkway from Giles Road to Parkside Road to the New Jersey Department of Transportation on behalf of the Borough of Harrington Park.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Harrington Park and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**Addendum I
Resolution
2022-92**

AWARD BID FOR THE 2022 ROAD RESURFACING PROGRAM ON BEHALF OF THE RIVERSIDE COOPERATIVE AND THE BOROUGH OF HARRINGTON PARK

WHEREAS, NJSA 40A:11-10(1) authorizes contracting units to enter into cooperative pricing agreements; and

WHEREAS, the Borough of Northvale has volunteered to act as “Lead Agency” for the purchase of work, materials and supplies for the Riverside Cooperative for the year 2022; and

WHEREAS, the Borough of Northvale received nine (9) bids on April 19, 2022 for the 2022 Riverside Cooperative Road Improvement Program on behalf of the Boroughs of Alpine, Cresskill, Demarest, Dumont, Englewood Cliffs, Harrington Park, Harrington Park Board of Education, New Milford, Northvale, River Edge, and Tenaflly; and

WHEREAS, the bids have been tabulated and reviewed by Mr. Carl O'Brien of Colliers Engineering and Design, Borough Engineer for the Borough of Northvale and for the Riverside Cooperative.

NOW, THEREFORE, BE IT RESOLVED that a contract be awarded to American Asphalt and Trucking LLC, 818 Summer Avenue, Newark, New Jersey 07140, in the amount of \$4,293,049.69.

BE IT FURTHER RESOLVED that the Northvale Mayor and Borough Clerk be and are hereby authorized and directed to execute a Master Contract with the above named firm for the 2022 Road Resurfacing Program acting as the Lead Agency on behalf of the Riverside Cooperative, RC-35-21-01; and

BE IT FURTHER RESOLVED that the Boroughs of Boroughs of Alpine, Cresskill, Demarest, Dumont, Englewood Cliffs, Harrington Park, Harrington Park Board of Education, New Milford, Northvale, River Edge, and Tenaflly shall be responsible for entering into individual contracts with the above named firm covering the scope of work under the Base Bid for each respective municipality; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized and directed to execute a contract (after Bond Ordinance #762 is adopted) with the above named firm for the Borough of Harrington Park's 2022 Resurfacing Program in the amount of \$102,640.16 included in the base bid; and

BE IT FURTHER RESOLVED, the Riverside Cooperative Paving Program was bid for work to be performed on section of Carman Road, DPW Parking Lot, Section of Kohring Circle, within the Borough of Harrington Park; and

BE IT FINALLY RESOLVED that the CFO will certify funds when available for in the 2022 Road Improvement program for the Borough of Harrington Park once Bond Ordinance #762 is adopted for work under the contract for the 2022 Road Resurfacing Program of Riverside Cooperative Acct # C04-55-215-691-004

Addendum J
Resolution 2022-93
Municipal Vehicle for Fire Marshal

Whereas, the Deputy Fire Chief has assigned his assigned vehicle to the Harrington Park Fire Marshal for use in Fire Marshal services within the Borough of Harrington Park;

Whereas, the Mayor & Council of the Borough of Harrington Park find that it is in the interest of the health, welfare and safety of all Harrington Park residents for the fire marshal to have use of such vehicle;

Whereas, further all funds necessary to cover the gas expense of the fire marshal vehicle will be paid from the fire marshals special account;

Whereas further, the vehicle is specifically assigned to the fire marshal for purposes of inspections, training and education as it relates to the Borough of Harrington Park;

Whereas it is specifically understood, that the expenses, maintenance and repair of the vehicle shall not be borne by the Borough of Harrington Park;

Whereas, it is the intention that this vehicle not be used for personal business nor driven by anyone other than the fire marshal without the express consent of the Mayor and Council;

Whereas, the Chief Financial Officer has certified there are sufficient funds to support this appropriation;

NOW THEREFORE BE IT RESOLVED that the Deputy Chief's fire department car is hereby assigned to the Harrington Park fire marshal on the terms and conditions set forth herein.

**Addendum K
Resolution
2022-94**

Appointing Auditor/RMA and Non-Audit Advisory Services

Whereas, the firm of Lerch, Vinci & Higgins LLP (LVH), was previously appointed by the Harrington Park Borough to provide auditing services for the years ended December 31, 2021 and 2022 and certain non-audit advisory services for the calendar years 2021 and 2022 as detailed in the respective engagement letters, and

Whereas, Gary W. Higgins was the LVH partner responsible to provide services to the Borough of Harrington Park and the appointed Registered Municipal Accountant (License No. CR 00405) pursuant to N.J.S.A. 40A:5-9, and

Whereas, Gary W. Higgins has resigned as a partner from LVH and has moved his practice to PKF O'Connor Davies LLP (PKF), a full-service public accounting and advisory firm with offices in Cranford and Woodcliff Lake, New Jersey, and

Whereas, Gary W. Higgins will continue to provide auditing and non-audit advisory services as a partner with PKF and will honor all contract fees and billing rates previously approved by the Now, Therefore Be It Resolved, that the Borough of Harrington Park does hereby appoint Gary W. Higgins, Certified Public Accountant and Registered Municipal Accountant of PKF O'Connor Davies LLP as their auditor for the years ended December 31, 2021 and 2022 and accountant for non-audit advisory services at the contract fees and billable rates previously approved by the of

Furthermore, the Mayor of Harrington Park is hereby authorized to enter into new contracts and engagement letters for the provision of such auditing services and non-audit advisory services.

Addendum L
Resolution 2022-95
Payment of Claims

WHEREAS, claims have been submitted to the Borough of Harrington Park in the following amounts under various funds of the town:

Current Appropriations (2021)	\$	3,002.01
Current Appropriations (2022)	\$	144,825.22
General Capital Fund	\$	16,441.94
Animal Trust	\$	3,567.44
Miscellaneous Trust	\$	9,848.62
Affordable Housing Trust	\$	
Open Space Trust Fund	\$	3,532.00
Grants	\$	90.00
Escrow	\$	

Total	\$	181,307.23
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WHEREAS, above claims have been listed and summarized in the attached Bills List Report, and the corresponding vouchers have been reviewed and approved by the department head, Borough Council, and the chief financial officer; and

WHEREAS, the Chief Financial Officer has determined that the funds have been properly appropriated for such purposes and are available in the Borough of Harrington Park and that the claims specified on the schedule attached hereto, following examination and approval by the Council and Chief Financial Officer and Department Head be paid and checks issued accordingly; and

WHEREAS, claims have already been paid in the following amounts for the purpose specified below:

Payroll- Salaries/Wages	\$	135,190.31
Payroll- Salaries/Wages	\$	131,534.76
Payroll- Salaries/Wages/disability	\$	
Payroll-Salaries/Wages/disability- Other Funds	\$	
Local School-	\$	1,082,275.00
Regional School –	\$	787,244.75
Capital Fund/Health Benefits/Pensions	\$	
Debt Services Principle (bond)	\$	
Debt Services Interest	\$	
Debt Service Loan/Interest (NJEIT)	\$	

TOTAL	\$	2,136,244.82
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NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of

Harrington Park that the claims totaling \$2,317,552.05 be approved and ratified respectively.

**Addendum M
Resolution
2022-96**

National Night Out-August 2, 2022

WHEREAS, the Harrington Park Police Department has requested to hold the Annual National Night Out event on August 2, 2022 at Highland Field; and

WHEREAS, the Recreation Commission has confirmed that there are no games or events to be held at Highland Field that day; and

WHEREAS, the Police Department has been advised to discuss all insurance needs with the Borough Risk Manager; and

WHEREAS, any vendors of merchandise and food, as well as promotional materials will submit appropriate licensing where necessary and certificates of insurance.

THEREFORE BE IT RESOLVED the Mayor and Council of the Borough of Harrington Park have approved the request of the Police Department to hold their Annual National Night Out event on August 2, 2022 at Highland Field.

**Addendum N
Proposed Ordinance #762**

**Amendment to 230-6 Operation of Motor Vehicles on Borough Land, Harrington Park
Board of Education Land and Suez/Veolia property(and successors)**

Park or cause to be parked any motor vehicle (including motorcycles, motor bikes, mopeds, motor scooters, go-carts and snowmobiles) except in areas designated for that purpose or drive or operate any motor vehicle (including motorcycles, motor bikes (including electric), mopeds, motor scooters, go-carts and snowmobiles, ATV's, or any vehicle propelled by electric, or any other energy source, except those vehicles designed for those with handicaps) except on roadways or parking areas provided for that purpose. These prohibitions shall not apply to the operation of motor vehicles owned or operated by the Borough or the Board of Education, or their agents, servants, employees or independent contractors in the course of the business of the Borough or Board of Education, and it is not intended by these prohibitions to establish any regulation or prohibition pertaining to the operation of motor vehicles, which operation is regulated by N.J.S.A. 39:1-1 et seq.

Penalty

The owner and or operator of any such vehicle operating a vehicle that is in violation of this section shall be subject to a fine not to exceed \$500.00 for a first violation, and for repeated violations a fine of \$1,000.00 for each subsequent offense, and in the discretion of the Judge, the impound of the offending vehicle for subsequent forfeiture proceedings. This Penalty provision shall be in addition to any other provision of the law that may apply and if any property is

damaged as the result of such violation, restitution and repair of the affected property as the court may determine.

Addendum O

Proposed Ordinance #763

BOND ORDINANCE PROVIDING FOR VARIOUS 2022 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF HARRINGTON PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY; APPROPRIATING \$1,320,867 THEREFOR (INCLUDING GRANTS TOTALING \$335,000) AND AUTHORIZING THE ISSUANCE OF \$938,900 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HARRINGTON PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Harrington Park, in the County of Bergen, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$1,320,867, said sum being inclusive of (i) a grant received or expected to be received in the amount of \$190,000 from the New Jersey Department of Transportation (the "NJDOT Grant"); (ii) a grant received or expected to be received in the amount of \$145,000 from the Bergen County Department of Parks, Division of Land Management's 2022 Bergen County Open Space Trust Fund Grant Program (the "Bergen County Grant", and together with the NJDOT Grant, collectively, the "Grants"); and (iii) a down payment in the amount of \$46,967 now available for a portion of said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes. Pursuant to N.J.S.A. 40A:2-11(c) of the Local Bond Law, no down payment is required for a portion of the improvements or purposes set forth in Section 3 hereof, as a \$335,000 portion of the costs of such improvements or purposes is expected to be funded by the Grants.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,320,867 appropriation not provided for by the Grants or said down payment referred to in Section 1 hereof, negotiable bonds of the Borough are hereby authorized to be issued in the aggregate principal amount of \$938,900 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in an aggregate principal amount not exceeding \$938,900 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are for various 2022 capital

improvements, which include, but are not limited to, (i) the acquisition and installation, as applicable, of pagers and related equipment and accessories for use by the Borough's Emergency Medical Services Volunteer Ambulance Corps; (ii) the acquisition of personal protective equipment ("PPE"), including, but not limited to, turnout gear and accessories for use by the Fire Department; (iii) improvements and repairs to the Department of Public Works ("DPW") building, including, but not limited to, the roof and garage doors; (iv) the acquisition of a Vermeer wood chipper, a Ford F-350 truck, a dump truck with salt spreader, and tires for various DPW vehicles for use by the DPW; (v) the acquisition of two (2) sports utility vehicles ("SUVs") and other non-passenger police vehicles, including certain additional expenses related thereto, and various police equipment, including, but not limited to, a hand-held live scan fingerprint device and related equipment and accessories, street signs and other miscellaneous signs for use by the Police Department; (vi) various improvements, repairs and upgrades to the Police Department building, including, but not limited to, the heating and air conditioning system and the roof; (vii) various improvements and repairs to the Borough's Municipal Building; (viii) improvements and upgrades to the Information Technology (IT) Department, computer system and related software in the Borough's municipal offices; (ix) the acquisition and installation of a surveillance camera security system for use at the Borough's Municipal Building and surrounding grounds; (x) the acquisition of decorations for the business section of the Borough; (xi) the acquisition of an SUV, including certain additional expenses related thereto, for use by the Building Department; (xii) improvements and repairs to various roadways within the Borough, including, but not limited to, the paving of various roadways within the Borough, as part of the Borough's Riverside Cooperative Road Improvement Project; (xiii) various roadway repairs and improvements to Norma Road within the Borough, as part of the NJDOT's Fiscal Year 2022 Municipal Aid Grant Program for the Norma Road Roadway Improvements Project (a \$190,000 portion of such repairs and improvements being funded by the NJDOT Grant); and (xiv) improvements and upgrades to the Borough's parks, including, but not limited to, upgrades to the tennis courts throughout the Borough, as part of the County of Bergen's 2022 Municipal Park Improvement Program (a \$145,000 portion of such improvements and upgrades being funded by the Bergen County Grant).

(b) The improvements and purposes set forth in Section 3(a) above shall also include, as applicable, all engineering and design work, surveying, construction management services, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing and remediation, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans and specifications therefor on file in the office of the Borough Clerk and available for public inspection and hereby approved.

(c) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$938,900.

(d) The estimated cost of said improvements or purposes is \$1,320,867, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the amount of \$381,967, which amount is comprised of (i) the down payment available for said improvements or purposes in the amount of \$46,967; (ii) the NJDOT Grant in the amount of \$190,000; and (iii) the Bergen County Grant in the amount of \$145,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Bergen make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby which is in addition to the Grant and the same shall be received by the Borough prior to the issuance of the bonds or notes

authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Bergen. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Bergen shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date or as otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk of the Borough and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 10.66 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is

increased by the authorization of the bonds or notes provided for in this bond ordinance by \$938,900 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$15,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the principal of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures with bond proceeds "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds or any other bond issue, or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$938,900. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.